

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of	)	
	)	
Application of Sprint Corporation	)	
	)	
For Designation as an Eligible	)	
Telecommunications Carrier	)	
in the State of Tennessee	)	
	)	
	)	
Federal-State Joint Board on Universal	)	CC Docket No. 96-45
Service	)	

**APPLICATION OF SPRINT CORPORATION  
FOR DESIGNATION AS AN ELIGIBLE TELECOMMUNICATIONS CARRIER  
IN THE STATE OF TENNESSEE**

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September 3, 2003

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IN THE STATE OF TENNESSEE**

**INTRODUCTION AND SUMMARY**

Sprint Corporation, on behalf of its Wireless Division <sup>1/</sup> ("Sprint") and pursuant to Section 214(e)(6) of the Communications Act of 1934, as amended (the "Act"), hereby petitions the Commission for designation as an Eligible Telecommunications Carrier ("ETC") in the portions of its licensed service area in the State of Tennessee that are served by BellSouth Telecommunications, Inc. ("BellSouth"), a non-rural incumbent local exchange carrier ("ILEC"), for purposes of receiving federal universal service support. As demonstrated below, Sprint satisfies the prerequisites for

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<sup>1/</sup> Sprint's Wireless Division consists of Sprint Spectrum, L.P., WirelessCo, L.P., SprintCom, Inc., Sprint PCS License, L.L.C., APC PCS, LLC, PhillieCo, L.P., and other wholly-owned and controlled affiliates.

ETC designation set forth in the Act and the Commission's rules, and Sprint's designation will serve the public interest.

## **I. SPRINT'S UNIVERSAL SERVICE OFFERING.**

Sprint is authorized to provide broadband personal communications service ("PCS") in Tennessee pursuant to Part 24 of the Commission's rules. Sprint is a common carrier, consistent with the definition in 47 U.S.C. § 153(10) and the requirements of 47 U.S.C. § 214(e)(1), and is a commercial mobile radio service ("CMRS") provider as set forth in 47 U.S.C. § 332(c)(1).

Sprint intends to obtain universal service support funding in certain of the high-cost areas served by BellSouth, a non-rural ILEC, in Tennessee. As required, this funding will be used only to support the provision, upgrading, and maintenance of Sprint's all-digital wireless network in Tennessee. As a result, Sprint will be able to increase the service quality and geographic coverage of its network. In addition, designation of Sprint as an ETC will speed the deployment of advanced wireless network facilities that support provision of both basic wireless services and higher-bandwidth and enhanced services to consumers in Tennessee.<sup>2/</sup> As an ETC, Sprint will also offer a reduced-rate universal service package to subscribers who are eligible for Lifeline support. Sprint's service offerings are competitive with those of BellSouth.

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<sup>2/</sup> See *Federal-State Joint Board on Universal Service*, Order and Order on Reconsideration, CC Docket No. 96-45, FCC 03-170, ¶ 13 (released July 14, 2003) ("*Definition of Universal Service Order*") ("[W]e continue to support the Commission's prior conclusion that 'our universal service policies should not inadvertently create barriers to the provision or access to advanced services, and. . . that our current universal service system does not create such barriers.' Thus, even though advanced services are not directly supported by federal universal service, '[Commission] policies do not impede the deployment of modern plant capable of providing access to advanced services.' We recognize that the network is an integrated facility that may be used to provide both supported and non-supported services.").

The Applicant, Sprint, has its principal place of business at 6200 Sprint Parkway, Overland Park, Kansas. All correspondence regarding this Application should be directed to the undersigned counsel for Sprint:

Roger C. Sherman  
Senior Attorney, PCS Regulatory Affairs  
Sprint Corporation  
401 Ninth St., N.W., Suite 400  
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(202) 585-1924

## **II. SPRINT SATISFIES THE STATUTORY AND REGULATORY PREREQUISITES FOR DESIGNATION AS AN ETC.**

Sprint satisfies each of the elements required for ETC designation, as shown below.

### **A. The State Commission in Tennessee Has Provided an Affirmative Statement That It Lacks Authority to Designate CMRS Carriers As ETCs.**

In the *Section 214(e)(6) Public Notice*, the Commission established that a carrier must demonstrate it is “not subject to the jurisdiction of a state commission” in order to petition the Commission for designation as an ETC.<sup>3/</sup> Specifically, in its *Twelfth Report and Order* in the Universal Service docket, the Commission stated that where a carrier provides the Commission with an “affirmative statement” from the state commission or a court of competent jurisdiction that the state commission lacks jurisdiction to perform the designation, the Commission will consider requests filed pursuant to 214(e)(6), and has “commit[ted] to resolve, within six months of the date

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<sup>3/</sup> *Procedures for FCC Designation of Eligible Telecommunications Carriers Pursuant to Section 214(e)(6) of the Communications Act*, Public Notice, 12 FCC Rcd 22947, 22948 (1997) (“*Section 214(e)(6) Public Notice*”), citing 47 U.S.C. § 214(e)(6).

filed at the Commission, all designation requests for non-tribal lands that are properly before us pursuant to section 214(e)(6).”<sup>4/</sup>

The Tennessee Regulatory Authority (“TRA”) has affirmatively stated that it lacks jurisdiction over ETC applications by CMRS carriers. In an order issued on April 11, 2003, the TRA dismissed an application for ETC designation on the ground that the TRA lacks jurisdiction over CMRS providers.<sup>5/</sup>

It is thus well settled that the TRA is without authority to take action on Sprint’s ETC Application, and that the order cited above provides the requisite “affirmative statement” in full satisfaction of Section 214(e)(6). Consequently, the FCC is the appropriate regulatory authority to consider Sprint’s Application for ETC status in Tennessee.

**B. Sprint Provides Each of the Services Supported By the Federal High-Cost Universal Service Program.**

Sprint provides all the services and functionalities supported by the federal universal service program, as set forth in Section 214(e) of the Act and Section 54.101(a) of the Commission’s rules, throughout the service area for which it seeks ETC designation in Tennessee.

In order to be designated as an ETC, a carrier must be a common carrier and both offer and advertise the supported services throughout the designated service area. 47 U.S.C. § 214(e)(1). The Commission has identified the following services and

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<sup>4/</sup> *Federal-State Joint Board on Universal Service; Promoting Deployment and Subscribership in Unserved and Underserved Areas, Including Tribal and Insular Areas*, Twelfth Report and Order, 15 FCC Rcd 12208, 12265, ¶ 114 (2000).

<sup>5/</sup> *Application of Advantage Cellular Systems, Inc. To Be Designated As An Eligible Telecommunications Carrier*, Order, Docket No. 02-01245, at 2-3 (Tenn. Regulatory Auth., April 11, 2003). A copy of this order is attached as Exhibit D.

functionalities as the core services to be offered by an ETC and supported by federal universal service support mechanisms:

1. Voice-grade access to the public switched telephone network;
2. Local usage;
3. Dual-tone, multi-frequency ("DTMF") signaling, or its functional equivalent;
4. Single-party service or its functional equivalent;
5. Access to emergency services;
6. Access to operator services;
7. Access to interexchange service;
8. Access to directory assistance; and
9. Toll limitation for qualifying low-income consumers.

For purposes of ETC applications, carriers must certify that they provide each of the supported services, or where appropriate, its functional equivalent.<sup>6/</sup> As shown below and in the Declaration attached as Exhibit A hereto, Sprint provides the required services throughout the area for which it seeks designation.

1. Voice-grade access to the public switched network. The Commission has concluded that voice-grade access means the ability to make and receive phone calls, within a specified bandwidth and frequency range.<sup>7/</sup> Sprint meets this requirement by providing voice-grade access to the public switched telephone network. Through its interconnection arrangements with BellSouth and other local exchange carriers, all

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<sup>6/</sup> Section 214(e)(6) Public Notice, 12 FCC Rcd at 22948 & n.5.

<sup>7/</sup> Federal-State Joint Board on Universal Service, First Report and Order, 12 FCC Rcd 8776, 8810-12, ¶¶ 63-64 (1997) ("First Report and Order"), subsequent history omitted.

customers of Sprint are able to make and receive calls on the public switched telephone network within the specified bandwidth.

2. Local usage. ETCs must include local usage beyond providing simple access to the public switched network as part of a universal service offering.<sup>8/</sup> Sprint includes specified quantities of usage in each of its rate plans, at the option of the customer, and thereby complies with the requirement that all ETCs offer local usage.

3. Dual-tone multi-frequency (“DTMF”) signaling, or its functional equivalent. DTMF is a method of signaling that facilitates the transportation of call set-up and call detail information. Consistent with the principles of competitive and technological neutrality, the Commission permits carriers to provide signaling that is functionally equivalent to DTMF, such as out-of-band digital signaling, in satisfaction of this requirement.<sup>9/</sup> The DTMF-emulating service offered by Sprint, like that offered by other CMRS providers, satisfies this requirement.

4. Single-party service or its functional equivalent. “Single-party service” means that only one party will be served by a subscriber loop or access line (in contrast to a multi-party line).<sup>10/</sup> The Commission has concluded that a wireless provider offers the

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<sup>8/</sup> The Commission has rejected proposals to require unlimited local usage, and has not quantified any minimum amount of local usage required to be included in a universal service offering. In the *First Report and Order*, the Commission deferred a determination on the amount of local usage that a carrier would be required to provide. *Id.* at 8812-14, ¶¶ 65-69. The Commission later issued a Notice of Proposed Rulemaking seeking comment on how much, if any, local usage an ETC should be required to offer, *Federal-State Joint Board on Universal Service*, Memorandum Opinion and Order and Further Notice of Proposed Rulemaking, 13 FCC Rcd 21252, 21279-81, ¶¶ 50-53 (1998), but more recently, the Commission decided to “adopt[ ] the Joint Board recommendation that unlimited local usage should not be added to the list of supported services.” *Definition of Universal Service Order*, ¶ 14.

<sup>9/</sup> 47 C.F.R. § 54.101(a)(3); *First Report and Order*, 12 FCC Rcd at 8814-15, ¶ 71.

<sup>10/</sup> *First Report and Order*, 12 FCC Rcd at 8810, ¶ 62.



equivalent of single-party service when it offers a dedicated message path for the length of a user's particular transmission.”<sup>11/</sup> Sprint meets the requirement of single-party service by providing a dedicated message path for the length of all customer calls.

5. Access to emergency services. The ability to reach a public emergency service provider by dialing 911 is a required service in any universal service offering. Sprint currently provides its subscribers with access to 911 emergency services in accord with this requirement, and consistent with Commission regulations throughout the service area for which designation is sought. Sprint also provides Enhanced 911 services, including Phase I and Phase II E-911 services, where requested by local public safety authorities ready to receive the information and where such services are supported by the local exchange carrier.

6. Access to operator services. Access to operator services is defined as any automatic or live assistance provided to a consumer to arrange for the billing or completion, or both, of a telephone call.<sup>12/</sup> Sprint meets this requirement by providing all of its customers with access to operator services, including customer service and call completion.

7. Access to interexchange service. An ETC must offer consumers access to interexchange service to make and receive toll or interexchange calls.<sup>13/</sup> Sprint meets

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<sup>11/</sup> *Id.*

<sup>12/</sup> *Id.* at 8817-18, ¶ 75.

<sup>13/</sup> Equal access, however, is not required at this time. “The FCC do[es] not include equal access to interexchange service among the services supported by universal service mechanisms.” *Id.* at 8819, ¶ 78; *Definition of Universal Service Order* at ¶ 33 (“[W]e make no decision regarding equal access at this time. . . . [W]e defer consideration of this issue pending resolution of the *Portability Proceeding*.”).

this requirement by providing all of its customers with the ability to make and receive interexchange calls. Most Sprint rate plans include nationwide interexchange calling at the same rate as local calls. Additionally, customers are able to reach their IXC of choice by dialing the appropriate access code.

8. Access to directory assistance. The ability to place a call to directory assistance is a required service offering.<sup>14/</sup> Sprint meets this requirement by providing all of its customers with access to directory assistance by dialing “411.”

9. Toll limitation for qualifying low-income consumers. An ETC must offer either “toll control” or “toll blocking” services to qualifying Lifeline customers at no additional charge. 47 C.F.R. § 54.101(a)(9). Once designated as an ETC, Sprint will participate in Lifeline as required, and will provide toll control and/or toll blocking capability in satisfaction of the Commission’s requirement. Sprint currently has the technology to provide toll limitation and will utilize this technology to provide such functionality at no additional charge to Lifeline customers.

**C. Sprint Offers Supported Services Over Its Own Facilities.**

A carrier requesting designation must certify that it offers the supported services “either using its own facilities or a combination of its own facilities and resale of another carrier’s services.”<sup>15/</sup> Sprint provides the supported services using its existing network infrastructure, which includes the antennas, cell-sites, towers, trunking, mobile switching, and interconnection facilities owned or leased by Sprint, used to serve PCS customers.

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<sup>14/</sup> *First Report and Order*, 12 FCC Rcd at 8821, ¶ 80.

<sup>15/</sup> 47 U.S.C. § 214(e)(1)(A).

**D. Sprint Advertises Its Universal Service Offering.**

Sprint advertises the availability of the supported services and the corresponding charges in a manner that informs the general public within the designated service area of both the services available and the corresponding charges. Sprint advertises its wireless services through several different media of general distribution throughout the service areas for which designation is requested.

**III. SPRINT PROVIDES SERVICE THROUGHOUT THE SERVICE AREA IN TENNESSEE FOR WHICH IT REQUESTS DESIGNATION.**

Sprint requests ETC designation for the service area in Tennessee depicted on the map attached as Exhibit B. Specifically, Sprint proposes a service area consisting of each of the BellSouth wire centers in Tennessee in which PCS service is available over the Sprint PCS network. To the extent Sprint serves only a portion of the wire center, Sprint requests ETC designation only in that portion of the wire center where it provides service. A map of the proposed service area is attached in Exhibit B, and a list of the full and partial wire centers included in the proposed service area is provided in Exhibit C.

Pursuant to the Act, a “service area” is a “geographic area established by a state commission . . . for the purpose of determining universal service obligations and support mechanisms.” 47 U.S.C. § 214(e)(5). For service areas served by non-rural ILECs such as BellSouth, there are no restrictions on how a commission defines the “service area” for purposes of designating a competitive ETC. *Id.* Therefore, the Commission may designate Sprint as an ETC for a service area consisting of the BellSouth wire centers set forth herein.

#### IV. GRANTING THIS APPLICATION WILL SERVE THE PUBLIC INTEREST.

Sprint need not make a separate public interest showing in connection with this Application, since it is seeking designation only in areas served by BellSouth, a non-rural ILEC. The Commission has specifically rejected proposals to require such a showing from carriers seeking ETC designation for areas served by non-rural ILECs, holding:

[D]esignation of an additional ETC based upon a demonstration that the requesting carrier complies with the statutory eligibility obligations of section 214(e)(1) is consistent *per se* with the public interest. The carrier need make no further showing to satisfy this requirement.<sup>16/</sup>

Nonetheless, Sprint confirms that a grant of its Application *will* serve the public interest by promoting additional deployment of wireless facilities and services to the high-cost areas served by non-rural ILECs in Tennessee, and bringing consumers in those areas the benefits of additional competitive universal service offerings.<sup>17/</sup>

The public interest is further served by the expeditious grant of this Application. The Commission has recognized that “excessive delay in the designation of competing providers may hinder the development of competition and the availability of

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<sup>16/</sup> *Federal-State Joint Board on Universal Service; Cellco Partnership d/b/a Bell Atlantic Mobile Petition for Designation as an Eligible Telecommunications Carrier*, 16 FCC Rcd 39, 45, ¶ 14 (Com. Car. Bur. 2000).

<sup>17/</sup> *See, e.g., Pine Belt Cellular, Inc. and Pine Belt PCS, Inc. Petition for Designation as an Eligible Telecommunications Carrier*, Memorandum Opinion and Order, 17 FCC Rcd 9589, 9595, ¶ 13 (Wireline Comp. Bur. 2002) (“*Pine Belt*”) (“[F]or those areas served by non-rural telephone companies, the designation of an additional ETC based upon a demonstration that the requesting carrier complies with the statutory eligibility obligations of section 214(e)(1) is consistent *per se* with the public interest.”); *Cellco Partnership d/b/a Bell Atlantic Mobile Petition for Designation as an Eligible Telecommunications Carrier*, Memorandum Opinion and Order, 16 FCC Rcd 39, 43, ¶ 8 (Com. Car. Bur. 2000) (“[A] policy of technological neutrality will foster competition by including providers, such as wireless providers, that may otherwise have been excluded from participation in the federal universal service mechanisms.”).

service in many high-cost areas,” and therefore the Commission made a public commitment to resolve ETC petitions within six months or less after they are filed.<sup>18/</sup> The Commission should abide by that commitment, and should expeditiously proceed to grant this petition. In recent ETC applications, a number of ILECs have argued, in effect, that because they dislike various aspects of the current universal service rules and have argued in the pending Joint Board proceeding that the rules be changed, therefore the Commission should ignore the existing rules and should reject or defer the applications.<sup>19/</sup> The Commission must reject these arguments.<sup>20/</sup> The only rules under which the Commission may lawfully operate today are those on the books today. Potential rule changes will be addressed in the Joint Board proceeding, and cannot lawfully be considered in an individual ETC designation proceeding. On this basis, the Wireline Competition Bureau has correctly granted other ETC applications notwithstanding ILEC objections: “We recognize that these parties raise important issues regarding high-cost support. We find, however, that these concerns are beyond the scope

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<sup>18/</sup> *Federal-State Joint Board on Universal Service; Promoting Deployment and Subscribership in Unserved and Underserved Areas, Including Tribal and Insular Areas*, Twelfth Report and Order, 15 FCC Rcd 12208, ¶ 94 (2000).

<sup>19/</sup> Notably, much of the controversy over ETC applications has concerned the “public interest” standard to be applied to applications for ETC status in *rural* ILEC study areas pursuant to 47 U.S.C. § 214(e)(2) and (6). But that controversy has no relevance to the instant petition, since Sprint is applying for designation only in *non-rural* ILEC service areas.

<sup>20/</sup> In particular, the Commission must reject the unfounded contention raised in certain past ETC applications that designating competitive entrants as ETCs would undermine access charge reform. *See* Sprint Reply Comments, ALLTEL Communications, Inc. Petitions for Designation as an Eligible Telecommunications Carrier in Alabama and Virginia, CC Docket No. 96-45 (filed July 14, 2003).

of this Order, which designates a particular carrier as an ETC.”<sup>21/</sup> Thus, the Commission should proceed expeditiously to grant this Application.

#### **V. HIGH COST CERTIFICATION.**

Sprint certifies that all high-cost universal service support received in Tennessee will be used only for the provision, maintenance, and upgrading of services and facilities for which the support is intended. See Exhibit A, ¶ 18.

#### **VI. ANTI-DRUG ABUSE CERTIFICATION.**

Sprint certifies that no party to this petition is subject of a denial of federal benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. § 862, and Sections 1.2001-1.2003 of the Commission’s rules, 47 C.F.R. §§ 1.2001-1.2003. See Exhibit A, ¶ 19.

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<sup>21/</sup> *Cellular South License, Inc. Petition for Designation as an Eligible Telecommunications Carrier in Alabama*, 17 FCC Rcd 24393, ¶ 32 (Wireline Comp. Bur. 2002); *see also RCC Holdings, Inc. Petition for Designation as an Eligible Telecommunications Carrier in Alabama*, 17 FCC Rcd 23532, ¶ 32 (Wireline Comp. Bur. 2002).

## CONCLUSION

Sprint respectfully requests that the Commission designate it as an ETC in Tennessee on an expedited basis.

Respectfully submitted,

SPRINT CORPORATION

By: \_\_\_\_\_

Roger C. Sherman  
Senior Attorney, PCS Regulatory Affairs  
Sprint Corporation  
401 Ninth St., N.W., Suite 400  
Washington, D.C. 20004  
(202) 585-1924

September 3, 2003

## **Exhibit A**

### **Declaration of Luisa L. Lancetti**

Pursuant to 47 C.F.R. § 1.16, Luisa L. Lancetti declares under penalty of perjury the following:

1. My name is Luisa L. Lancetti and I serve as Vice-President, PCS Regulatory Affairs for Sprint Corporation. My business address is 401 – 9th St., N.W., Washington, D.C. 20004. I am an authorized representative of Sprint Corporation's Wireless Division, which consists of Sprint Spectrum, L.P., WirelessCo, L.P., SprintCom, Inc., Sprint PCS License, L.L.C., APC PCS, LLC, PhillieCo, L.P., and other wholly-owned and controlled affiliates (collectively, "Sprint"), with regard to Sprint's Application for Designation as an Eligible Telecommunications Carrier ("ETC") in the State of Tennessee ("Application"). I have read the foregoing Application and all information therein is true and correct to the best of my knowledge, information and belief.

2. Sprint is authorized to provide broadband personal communications service ("PCS") in Tennessee pursuant to Part 24 of the Commission's rules. Sprint is a common carrier, consistent with the definition in 47 U.S.C. § 153(10) and the requirements of 47 U.S.C. § 214(e)(1), and is a commercial mobile radio service provider as set forth in 47 U.S.C. § 332(c)(1).

3. Sprint intends to obtain universal service support funding in certain of the high-cost areas served by BellSouth Telecommunications, Inc. ("BellSouth"), a non-rural incumbent local exchange carrier ("ILEC"), in Tennessee. As required, this funding will be used only to support the provision, upgrading, and maintenance of Sprint's all-digital wireless network in Tennessee. As a result, Sprint will be able to increase the service quality and geographic coverage of its network. In addition, designation of Sprint as an ETC will speed the deployment of advanced wireless network facilities that support provision of both basic wireless services and higher-bandwidth and enhanced services to consumers in Tennessee. As an ETC, Sprint will also offer a reduced-rate universal service package to subscribers who are eligible for Lifeline support. Sprint's service offerings are competitive with those of BellSouth.

4. Sprint provides all the services and functionalities supported by the federal universal service program, as set forth in Section 214(e) of the Act and Section 54.101(a) of the Commission's rules, throughout the service area for which it seeks ETC designation in Tennessee.

5. Voice-grade access to the public switched network. The Commission has concluded that voice-grade access means the ability to make and receive phone calls, within a specified bandwidth and frequency range. Sprint meets this requirement by providing voice-grade access to the public switched telephone network. Through its interconnection arrangements with BellSouth and other local exchange carriers, all customers of Sprint are able to make and receive calls on the public switched telephone network within the specified bandwidth.



6. Local usage. ETCs must include local usage beyond providing simple access to the public switched network as part of a universal service offering. Sprint includes specified quantities of usage in each of its rate plans, at the option of the customer, and thereby complies with the requirement that all ETCs offer local usage.

7. Dual-tone multi-frequency (“DTMF”) signaling, or its functional equivalent. DTMF is a method of signaling that facilitates the transportation of call set-up and call detail information. Sprint provides signaling that is functionally equivalent to DTMF, such as out-of-band digital signaling, which satisfies this requirement.

8. Single-party service or its functional equivalent. Sprint meets the requirement of single-party service by providing a dedicated message path for the length of all customer calls.

9. Access to emergency services. The ability to reach a public emergency service provider by dialing 911 is a required service in any universal service offering. Sprint currently provides its subscribers with access to 911 emergency services in accord with this requirement, and consistent with Commission regulations throughout the service area for which designation is sought. Sprint also provides Enhanced 911 services, including Phase I and Phase II E-911 services, where requested by local public safety authorities ready to receive the information and where such services are supported by the local exchange carrier.

10. Access to operator services. Access to operator services is defined as any automatic or live assistance provided to a consumer to arrange for the billing or completion, or both, of a telephone call. Sprint meets this requirement by providing all of its customers with access to operator services, including customer service and call completion.

11. Access to interexchange service. Sprint meets the requirement of access to interexchange service by providing all of its customers with the ability to make and receive interexchange calls. Most Sprint rate plans include nationwide interexchange calling at the same rate as local calls. Additionally, customers are able to reach their IXC of choice by dialing the appropriate access code.

12. Access to directory assistance. The ability to place a call to directory assistance is a required service offering. Sprint meets this requirement by providing all of its customers with access to directory assistance by dialing “411.”

13. Toll limitation for qualifying low-income consumers. An ETC must offer either “toll control” or “toll blocking” services to qualifying Lifeline customers at no additional charge. 47 C.F.R. § 54.101(a)(9). Once designated as an ETC, Sprint will participate in Lifeline as required, and will provide toll control and/or toll blocking capability in satisfaction of the Commission’s requirement. Sprint currently has the technology to provide toll limitation and will utilize this technology to provide such functionality at no additional charge to Lifeline customers.

14. A carrier requesting designation must certify that it offers the supported services “either using its own facilities or a combination of its own facilities and resale of another carrier’s services.” Sprint provides the supported services using its existing network

infrastructure, which includes the antennas, cell-sites, towers, trunking, mobile switching, and interconnection facilities owned or leased by Sprint, used to serve PCS customers.

15. Sprint advertises the availability of the supported services and the corresponding charges in a manner that informs the general public within the designated service area of both the services available and the corresponding charges. Sprint advertises its wireless services through several different media of general distribution throughout the service areas for which designation is requested.

16. Sprint requests ETC designation for the service area in Tennessee depicted on the map attached as Exhibit B. Specifically, Sprint proposes a service area consisting of each of the BellSouth wire centers in Tennessee in which PCS service is available over the Sprint PCS network. To the extent Sprint serves only a portion of the wire center, Sprint requests ETC designation only in that portion of the wire center where it provides service. A map of the proposed service area is attached in Exhibit B, and a list of the full and partial wire centers included in the proposed service area is provided in Exhibit C.

17. A grant of Sprint's Application will serve the public interest by promoting additional deployment of wireless facilities and services to the high-cost areas served by BellSouth in Tennessee, and bringing consumers in those areas the benefits of additional competitive universal service offerings.

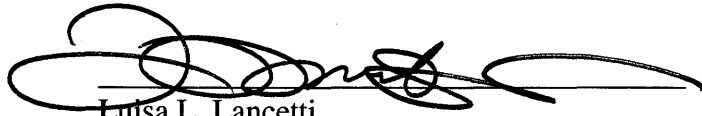
18. High-Cost Certification. Sprint certifies that all high-cost universal service support received in Tennessee will be used only for the provision, maintenance, and upgrading of services and facilities for which the support is intended.

19. Anti-Drug Abuse Certification. To the best of my knowledge, the applicant referred to in the foregoing Application, including all officers, directors, or persons holding 5% or more of the outstanding stock or shares (voting and/or non-voting) of the applicant as specified by Section 1.2002(b) of the Commission's rules, are not subject to a denial of federal benefits, including FCC benefits, pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. § 862.

## VERIFICATION

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information and belief.

Executed on September 3, 2003.

A handwritten signature in black ink, appearing to read 'Luisa L. Lancetti', written over a horizontal line.

Luisa L. Lancetti  
Vice-President, PCS Regulatory Affairs  
Sprint Corporation

## Exhibit B

MAP OF SPRINT SERVICE AREA DEPICTING NON-RURAL  
WIRE CENTERS WHERE ETC STATUS IS REQUESTED

# TENNESSEE



- SPRINT PCS SERVING AREA
- BELL SOUTH WIRE CENTERS INTERSECTING  
SPRINT PCS SERVICE AREA FOR WHICH ETC  
STATUS IS REQUESTED

NonRural ILEC Wire Centers Served by Sprint PCS  
For Which ETC Status is Requested

ILEC	CLLI	WIRE CENTER NAME
<b>BELLSOUTH TELECOMM INC DBA SOUTH CENTRAL BELL TEL</b>		
ACHLTNMT		ADAMS-CEDAR HILL
ARTNTNMT		ARLINGTON
ASCYTNMA		ASHLAND CITY
ATHNTNMA		ATHENS
BLGPTNMA		BULLS GAP
BLLSTNMA		BELLS
BLNCTNMT		BLANCHE
BNTNTNMT		BENTON
BWVLTNMA		BROWNSVILLE
CHRLTNMT		CHARLOTTE
CHTGTNBR		CHATTNOOGA - BRAINERD
CHTGTNDT		CHATTNOOGA - DODDS
CHTGTNHT		CHATTNOOGA - HARRISON
CHTGTNMV		CHATTNOOGA - MIDD.VALLEY
CHTGTNNS		CHATTNOOGA - NINTH STREET
CHTGTNRB		CHATTNOOGA - RED BANK
CHTGTNRO		CHATTNOOGA - ROSSVILLE
CHTGTNSE		CHATTNOOGA - ST. ELMO
CHTGTNSM		CHATTNOOGA - SIGNAL MT.
CHTNTNMT		CHARLESTON
CLEVTNMA		CLEVELAND
CLMATNMA		COLUMBIA
CLTNTNMA		CLINTON
CLVLTNMA		CLARKSVILLE
CMDNTNMA		CAMDEN
CNVLTNMA		CENTERVILLE
CRPLTNMA		CROSS PLAINS - ORLN
CRHTNMA		CARTHAGE
CRVLTNMA		COLLIERVILLE
CULKTNMA		CULLEOKA
CVTNTNMT		COVINGTON
DKSNTNMT		DICKSON
DNRGTNMA		DANDRIDGE
DYBGTNMA		DYERSBURG
DYTNTNMA		DAYTON
EAVLTNMA		EAGLEVILLE
FIVLTNMA		FRIENDSVILLE
FKLNTNCC		FRANKLIN - COOL SPRINGS
FKLNTNMA		FRANKLIN
FRDNTNMA		FREDONIA
FRVWTNMT		FAIRVIEW
GALLTNMA		GALLATIN
GBSNTNMT		GIBSON
GDVLTNMA		GOODLETTSVILLE
GNBRTNMA		GREENBRIER
GRNBTNMA		GREENBACK
GTBGTNMT		GATLINBURG

NonRural ILEC Wire Centers Served by Sprint PCS  
For Which ETC Status is Requested

ILEC	CLI	WIRE CENTER NAME
<b>BELLSOUTH TELECOMM INC DBA SOUTH CENTRAL BELL TEL</b>		
ACHLTNMT		ADAMS-CEDAR HILL
GTWSTNSW		MEMPHIS - SOUTHWIND
HDVLTNMA		HENDERSONVILLE
HIMNTNMA		HARRIMAN
HMBLTNMA		HUMBOLDT
HNSNTNMT		HENDERSON
HNTGTNMA		HUNTINGDON
HRFRTNMA		HARTFORD
HTVLTNMA		HARTSVILLE
JCSNTNMA		JACKSON - MAIN
JCSNTNNS		JACKSON - NORTHSIDE
JFCYTNMA		JEFFERSN CITY
JSPRTNMT		JASPER
KGTNTNMT		KINGSTON
KNVLTNBE		KNOXVILLE - BEARDEN
KNVLTNFC		KNOXVILLE - FOUNTAIN CITY
KNVLTNMA		KNOXVILLE - MAIN
KNVLTNWH		KNOXVILLE - WEST HILLS
KNVLTNYH		KNOXVILLE - YOUNG HIGH
LBNNTNMA		LEBANON
LFLTNNMA		LAFOLLETTE
LKCYTNMA		LAKE CITY
LNCYTNMA		LENOIR CITY
LODNTNMA		LOUDON
LWBGTNMA		LEWISBURG
LXTNTNMA		LEXINGTON
LYBGTNMT		LYNCHBURG
LYLSTNMA		LYLES
LYVLTNMA		LYNNVILLE
MAVLTNMA		MARYVILLE
MCWNTNMT		MCEWEN
MDVITNMT		MADISONVILLE
MEDNTNMA		MEDINA
MILNTNMA		MILAN
MMPHTNBA		MEMPHIS - BARTLETT
MMPHTNCK		MEMPHIS - CHEROKEE
MMPHTNCT		MEMPHIS - CHICHASAW
MMPHTNEL		MEMPHIS - EASTLAND
MMPHTNFR		MEMPHIS - FRASER
MMPHTNGT		MEMPHIS - GERMANTOWN
MMPHTNHP		MEMPHIS - HUMPHREYS
MMPHTNMA		MEMPHIS - MAIN
MMPHTNMT		MEMPHIS - MIDTOWN
MMPHTNOA		MEMPHIS - OAKVILLE
MMPHTNSL		MEMPHIS - SOUTHLAND
MMPHTNST		MEMPHIS - SOUTHSIDE
MMPHTNWW		MEMPHIS - WESTWOOD

NonRural ILEC Wire Centers Served by Sprint PCS  
For Which ETC Status is Requested

ILEC	CLL	WIRE CENTER NAME
<b>BELLSOUTH TELECOMM INC DBA SOUTH CENTRAL BELL TEL</b>		
ACHLTNMT		ADAMS-CEDAR HILL
MNCHTNMA		MANCHESTER
MNPLTNMA		MOUNT PLEASANT
MRBOTNMA		MURFREESBORO
MRTWTNMA		MORRISTOWN
MSCTTNMT		MASCOT
MSCWTNMA		MOSCOW
MYVLTNMA		MAYNARDVILLE
NRRSTNMA		NORRIS
NSVLTNAP		NASHVILLE - AIRPORT
NSVLTNBH		NASHVILLE - BURTON HILLS
NSVLTNBV		NASHVILLE - BELLEVIEW
NSVLTNBW		NASHVILLE - BRENTWOOD
NSVLTNCD		NASHVILLE - COCKRILL BD
NSVLTNCH		NASHVILLE - CRIEVE HALL
NSVLTNDO		NASHVILLE - DONELSON
NSVLTNHH		NASHVILLE - HICKORY HOLLOW
NSVLTNIN		NASHVILLE - INGLEWOOD
NSVLTNMC		NASHVILLE - MADISON
NSVLTNMT		NASHVILLE - MAIN
NSVLTNST		NASHVILLE - SHARONDALE
NSVLTNUN		NASHVILLE - UNIVERSITY
NSVLTNWC		NASHVILLE - WHITESCREEK
NSVLTNWM		NASHVILLE - WEST MEADE
NWBRTNMA		NEWBERN
NWPTTNMT		NEWPORT
OKRGTNMT		OAK RIDGE
OLHCTNMA		OLD HICKORY
OLSPTNMA		OLIVER SPRINGS
PLSKTNMA		PULASKI
PSVWTNMT		PLEASANT VIEW
PTLDTNMA		PORTLAND
RDGLTNMA		RIDGELY
RKWDTNMA		ROCKWOOD
RPLYTNMA		RIPLEY
RRVLTNMA		ROGERSVILLE
SANGTNMT		SANGO
SDDSTNMA		SODDY-DAISY
SEWNTNMW		SEWANEE
SHVLTNMA		SHELBYVILLE
SMYRTNMA		SMYRNA
SNTFTNMA		SANTA FE
SOVLTNMT		SOMERVILLE
SPBGTNMA		SOUTH PITTSBURG
SPFDTNMA		SPRINGFIELD
SPHLTNMT		SPRING HILL
SRVLTNMA		SURGOINSVILLE

NonRural ILEC Wire Centers Served by Sprint PCS  
For Which ETC Status is Requested

ILEC	CLLI	WIRE CENTER NAME
<b>BELLSOUTH TELECOMM INC DBA SOUTH CENTRAL BELL TEL</b>		
ACHLTNMT		ADAMS-CEDAR HILL
SVVLTNMT		SEVIERVILLE
SWTWTNMT		SWEETWATER
TLLHTNMA		TULLAHOMA
TPVLTNMA		TIPTONVILLE
TRINTNMA		TRIUNE
TROYTNMT		TROY
TRTNTNMA		TRENTON
UNCYTNMA		UNION CITY
WHBLTNMT		WHITE BLUFF
WHHSTNMA		WHITE HOUSE
WHPITNMA		WHITE PINE
WHVLTNMT		WHITEVILLE
WHWLTNMA		WHITWELL
WNCHTNMA		WINCHESTER
WRTRTNMT		WARTRACE
WTTWTNMA		WATERTOWN
WVRLTNMT		WAVERLY



## **Exhibit D**

BEFORE THE TENNESSEE REGULATORY AUTHORITY

NASHVILLE, TENNESSEE

April 11, 2003

IN RE:

APPLICATION OF ADVANTAGE CELLULAR  
SYSTEMS, INC. TO BE DESIGNATED AS AN  
ELIGIBLE TELECOMMUNICATIONS CARRIER

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DOCKET NO.  
02-01245

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ORDER

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This matter came before Chairman Sara Kyle, Director Deborah Taylor Tate and Director Pat Miller of the Tennessee Regulatory Authority (the "Authority"), the voting panel assigned in this docket, at the regularly scheduled Authority Conference held on January 27, 2003, for consideration of the *Application of Advantage Cellular Systems, Inc. To Be Designated As An Eligible Telecommunications Carrier* ("Application") filed on November 21, 2002.

**Background**

Advantage Cellular Systems, Inc. ("Advantage") is a commercial mobile radio service provider ("CMRS") seeking designation as an Eligible Telecommunications Carrier ("ETC") by the Authority pursuant to 47 U.S.C. §§ 214 and 254. In its *Application*, Advantage asserts that it seeks ETC status for the entire study area of Dekalb Telephone Cooperative, Inc., a rural cooperative telephone company. Advantage maintains that it meets all the necessary requirements for ETC status and therefore is eligible to receive universal service support throughout its service area.

**The January 27, 2003 Authority Conference**

During the regularly scheduled Authority Conference on January 27, 2003, the panel of Directors assigned to this docket deliberated Advantage's *Application*. Of foremost consideration was the issue of the Authority's jurisdiction. The panel unanimously found that the Authority lacked

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jurisdiction over Advantage for ETC designation purposes.<sup>1</sup>

This conclusion was implicitly premised on Tenn. Code Ann. § 65-4-104, which provides that:

The Authority has general supervisory and regulatory power, jurisdiction and control over all public utilities and also over their property, property rights, facilities, and franchises, so far as may be necessary for the purpose of carrying out the provisions of this chapter.

For purposes of Tenn. Code Ann. § 65-4-104, the definition of public utilities specifically excludes, with certain exceptions not relevant to this case, “[a]ny individual, partnership, copartnership, association, corporation or joint stock company offering domestic public cellular radio telephone service authorized by the federal communications commission.”

The Authority’s lack of jurisdiction over CMRS providers implicates 47 U.S.C. § 214(e), which addresses the provision of universal service. Where common carriers seeking universal service support are not subject to a state regulatory commission’s jurisdiction, 47 U.S.C. § 214(e)(6) authorizes the Federal Communications Commission (“FCC”) to perform the ETC designation.<sup>2</sup>

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<sup>1</sup> This finding is not inconsistent with the Authority’s decision in *In re: Universal Service Generic Contested Case*, Docket 97-00888, *Interim Order on Phase I of Universal Service*, pp. 53-57 (May 20, 1998), in which the Authority required intrastate telecommunications carriers to contribute to the intrastate Universal Service Fund including telecommunications carriers not subject to authority of the TRA. The decision in Docket No. 97-00888 was based primarily on 47 U.S.C. § 254(f) which authorizes states to adopt regulations not inconsistent with the Federal Communications Commission’s rules on Universal Service and specifically requires every telecommunications carrier that provides intrastate telecommunications services to contribute to the preservation and advancement of universal service in that state. The *Interim Order* was issued prior to the effective date of 47 U.S.C. § 214(e)(6).

<sup>2</sup> 47 U.S.C. § 214(e)(6) states:

(6) Common carriers not subject to state commission jurisdiction

In the case of a common carrier providing telephone exchange service and exchange access that is not subject to the jurisdiction of a State commission, the Commission shall upon request designate such a common carrier that meets the requirements of paragraph (1) as an eligible telecommunications carrier for a service area designated by the Commission consistent with applicable Federal and State law. Upon request and consistent with the public interest, convenience and necessity, the Commission may, with respect to an area served by a rural telephone company, and shall, in the case of all other areas, designate more than one common carrier as an eligible telecommunications carrier for a service area designated under this paragraph, so long as each additional requesting carrier meets the requirements of paragraph (1). Before designating an additional eligible telecommunications carrier for an area served by a rural telephone company, the Commission shall find that the designation is in the public interest.

As a matter of "state-federal comity," the FCC requires that carriers seeking ETC designation "first consult with the state commission to give the state commission an opportunity to interpret state law."<sup>3</sup> Most carriers that are not subject to a state regulatory commission's jurisdiction seeking ETC designation must provide the FCC "with an affirmative statement from a court of competent jurisdiction or the state commission that it lacks jurisdiction to perform the designation."<sup>4</sup>

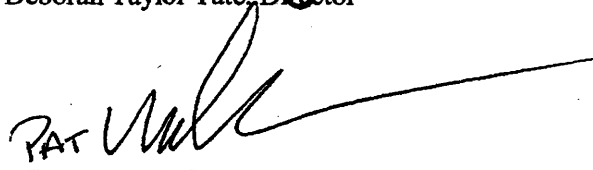
The panel noted that the FCC is the appropriate forum for Advantage to pursue ETC status pursuant to 47 U.S.C. § 214(e)(6). This Order shall serve as the above mentioned affirmative statement required by the FCC.

**IT IS THEREFORE ORDERED THAT:**

*The Application of Advantage Cellular Systems, Inc. To Be Designated As An Eligible Telecommunications Carrier* is dismissed for lack of subject matter jurisdiction.

  
Sara Kyle, Chairman

  
Deborah Taylor Tate, Director

  
Pat Miller, Director

<sup>3</sup> *In the Matter of Federal-State Joint Bd. on Universal Service*, CC Docket No. 96-45, *Twelfth Report and Order, Memorandum Opinion and Order, and Further Notice of Proposed Rulemaking*, 15 F.C.C.R. 12208, 12264, ¶ 113 (June 30, 2000).

<sup>4</sup> *See id.* (The "affirmative statement of the state commission may consist of any duly authorized letter, comment, or state commission order indicating that it lacks jurisdiction to perform designations over a particular carrier.")